

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NEXTGEAR CAPITAL, INC.;
MANHEIM REMARKETING, INC.
d/b/a MANHEIM PENNSYLVANIA,

Plaintiffs,

-against-

TRISTATE AUTO SERVICE
CETNER, INC.; and ZU JI GAO

Defendants.

MEMORANDUM AND ORDER

Case No. 23-CV-9458 (FB)

Appearances:

For the Plaintiff:

NICHOLAS GAUNCE
Eckert Seamans Cherin & Mellott LLC
2000 Lenox Drive
Suite 203
Lawrenceville, NJ 08648

BLOCK, Senior District Judge:

Plaintiffs' motion for preliminary injunction has been granted. Based on the documents that the Plaintiffs have submitted, the Court is satisfied that Plaintiffs have made a sufficient showing of a likelihood of success on the merits and irreparable harm in the absence of the injunction. *See Virgin Enterprises Ltd. v.*

Nawab, 335 F.3d 141, 145 (2d Cir. 2003) (stating preliminary injunction elements). Specifically, Plaintiffs have produced documents establishing that the subject vehicles are at risk of dispersal and Defendants' bank records. Accordingly, Plaintiffs have made a sufficient showing of irreparable harm by establishing that it is a secured creditor and that its collateral is at risk of further dissipation and may not otherwise be collectable.

The Court hereby grants Plaintiffs' motion for preliminary injunction pursuant to Fed. R. Civ. 65(a). It is ordered that:

- Plaintiffs are authorized to take possession of the 24 subject automobiles identified in the attached Exhibits A and B;
- Defendant Tristate is restrained, enjoined, and prohibited from interfering with Plaintiffs' seizure of the 24 subject vehicles; and
- Plaintiffs' and Defendant Tristate' respective employees, servants, agents, representatives, attorneys, affiliates, subsidiaries and all other persons acting on behalf of or in concert with defendants, either individually or jointly, shall be and hereby are restrained, enjoined and prohibited from directly or indirectly removing, transferring dismantling, damaging, selling, renting, pledging, assigning, encumbering, secreting, concealing, transporting or otherwise disposing of the vehicles identified in Exhibits

“A” and “B” attached hereto until further Court order.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
January 11, 2023